

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayner
Marshall Johnson
Thomas Pugh
Phyllis A. Reha

Chair
Commissioner
Commissioner
Commissioner

In the Matter of Interstate Power and Light
Company's Petition for an Order Suspending
the Annual Filing Requirements

ISSUE DATE: July 3, 2007

DOCKET NO. E-001/S-01-869

ORDER DENYING MOTION TO
TERMINATE FILING REQUIREMENTS
AND CLOSE DOCKET

PROCEDURAL HISTORY

On April 26, 2006, Interstate Power and Light Company (IPL), a wholly owned subsidiary of Alliant Energy Corporation (Alliant Energy), requested that the Commission suspend the annual filing requirements established in its August 8, 2001 Informal Order in this docket, and terminate the docket, because effective February 8, 2006, sections 32 and 33 of the 1935 Public Utility Holding Company Act (PUHCA), were repealed.¹ IPL's filing requirements include, *inter alia*, information relative to Alliant's total dollar amount of foreign investments, total amount of debt instruments, etc.

On May 14, 2007, the Department of Commerce (the Department) recommended that IPL's petition be denied, and that IPL be required to continue to file the information directed by the Commission's August 8, 2001, Order.

On May 24, 2007, IPL filed reply comments, opposing the Department's recommendation and continuing to argue that the annual filing requirements, and the docket, be terminated.

On June 14, 2007, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. Positions of the Parties

IPL asserted that with the repeal of PUHCA:

¹ The Federal Energy Policy Act of 2005 repealed major portions of PUHCA, including Sections 32 and 33.

- Alliant Energy's requirement for the Commission's certification² no longer exists;
- IPL no longer prepares and files a form U5S with the Securities and Exchange Commission (SEC); and
- IPL no longer maintains information in a format consistent with the annual filing requirements ordered in the Commission's August 8, 2001 Order.

The Department recommended that the Commission deny the petition, and require IPL to continue to file the information directed by the Commission in its August 8, 2001, Informal Order in this docket.³

In reply, IPL continued to argue that the annual filing requirements and docket should be terminated, because IPL, the entity over which the Commission exercises jurisdiction, is a subsidiary of Alliant Energy, has no foreign utility corporate organizations (FUCO) or exempt wholesale generator (EWG) investments, and does not possess any information on such investments. IPL argued that the Commission has no jurisdiction over Alliant Energy, and that there exists no legal justification to require IPL to provide the information in the format suggested by the Department.

II. Commission Analysis and Action

At the hearing on this matter, IPL agreed to resume compliance with its annual filing requirements. The Commission will so order.

Regardless of the fact that certification by the Commission to the SEC is no longer required for FUCO and EWG investments as a result of the repeal of PUHCA, the Commission relies on the Department's monitoring of financial risk indicators of the Company. The information established

² The annual certification states as follows:

Pursuant to 15 U.S. C. § 79z-5b, the Commission certifies that the Commission has the authority and resources to protect ratepayers subject to its jurisdiction and intends to exercise its authority with respect to Alliant's proposed investments in various FUCO and EWG projects subject to conditions and limitations.

³ Informal Order at page 6:

(c) Alliant shall file with the Commission an annual report on all FUCO and EWG investments by Alliant and its subsidiaries (Annual Report), to be filed on or about May 1 of each year (this date coincides with the Company's filing of form U5S before the SEC). The Department recommends that this annual report contain the following information:

- 1) Alliant's total dollar amount of FUCO and EWG investment to date by the subsidiary and country;
- 2) The total dollar amount of debt instruments utilized for FUCO and EWG investment acquired by Alliant or its subsidiaries;
- 3) Alliant's consolidated capital structure, including short-term debt;
- 4) The ratio of Alliant's total FUCO and EWG investments relative to Alliant's total assets and capitalization; and
- 5) Alliant's current long-term debt rating by Standard and Poors.

in the Commission's August 8, 2001 Order continues to be necessary to ensure the financial stability of companies providing energy service to Minnesota customers.

The Commission recognizes that the forms previously submitted are no longer required by the SEC, and will allow IPL to submit the information in any similar format that is responsive to the request.

ORDER

1. The Commission denies Interstate Power and Light's motion to terminate the annual filing requirements and close the docket.
2. Interstate Power and Light shall file the reports due in 2006 and 2007 by August 1, 2007 and future reports by May 1, of each year.
3. The annual reports on all foreign and EWG investments by Alliant and its subsidiaries must contain the following information:
 - A) Alliant's total dollar amount of foreign and EWG investments to date by subsidiary and country;
 - B) The total dollar amount of debt instruments used for foreign and EWG investments acquired by Alliant or its subsidiaries;
 - C) Alliant's consolidated capital structure, including short-term debt;
 - D) The ratio of Alliant's total foreign utility company and EWG investments relative to Alliant's total assets and capitalization; and
 - E) Alliant's current long-term debt rating by Standard and Poors.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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